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Portland Police Bureau, Ted Wheeler, and
Jacob Jensen*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

**KARELLEN STEPHENS AND RENEE
STEPHENS**

CASE NO.: 3:24-CV-2050

PLAINTIFF,

NOTICE OF REMOVAL

v.

Multnomah County Circuit Court
Case No.: 24CV52722

CITY OF PORTLAND, an Oregon
municipal corporation, **MAYOR TED
WHEELER**, an individual and as the
current mayor of Portland, Oregon,
**MULTNOMAH COUNTY DISTRICT
ATTORNEY**, a governmental agency
responsible for prosecuting criminal
offenses within Multnomah County,
Oregon, **PORTLAND POLICE
BUREAU (PPB)**, a municipal law
enforcement agency under the authority
of the City of Portland, Oregon,
COMMANDER JACOB JENSEN, an
individual, and in his official capacity as
Commander of the Portland Police
Bureau, **MULTNOMAH VILLAGE
BUSINESS ASSOCIATION**, an Oregon

non-profit corporation, **PETER-TOLIN BAKER**, an individual, **JP GENERAL LLC**, an Oregon domestic limited liability company, **PETREL FARKAS**, an individual, **PEACHTREE GIFTS, Inc.**, an Oregon domestic business corporation, **JOAN STEINBACH**, an individual, and **THINKER TOYS OREGON, INC.**, an Oregon domestic business corporation,

DEFENDANTS.

**TO: THE CLERK OF THE ABOVE-ENTITLED COURT AND PLAINTIFFS
KARELLEN STEPHENS AND RENEE STEPHENS**

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367, 1441 and 1446, Defendants City of Portland, Portland Police Bureau, Ted Wheeler, and Jacob Jensen (“hereafter City Defendants”) hereby remove to this United States District Court for the District of Oregon, Portland Division (“Federal Court”) the state court case now pending in the Circuit Court of the State of Oregon for the County of Multnomah (“State Court”), known as *Karellen Stephens and Renee Stephens v. City of Portland, et al.*, MCCC Case No. 24CV52722 (“State Case”). This Notice of Removal is supported by the exhibits attached hereto and the statements below.

A. TIMELINESS OF REMOVAL

1. As demonstrated from the State Court’s Register of Action (“ROA”), a true and accurate copy of which is attached hereto and incorporated herein as Exhibit 1, Plaintiffs Karellen Stephens and Renee Stephens (“Plaintiffs”) initiated the State Case with the State Court on November 6, 2024.

2. The City Defendants were served with Plaintiffs’ Summons, and their Complaint, which includes an alleged claim under 42 U.S.C. § 1983 (“Complaint”) on November 12, 2024. Attached hereto and incorporated herein as Exhibit 2 and Exhibit 3, respectively, are true and accurate copies of Plaintiffs’ Summons and Plaintiffs’ Complaint that were served on the City Defendants on November 12, 2024.

3. This Notice of Removal is timely filed with the Federal Court pursuant to 28 U.S.C. § 1446(b)(1), which provides that “[t]he notice of removal of a civil action or proceeding shall be filed within 30 days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based[.]” *See also* 28 U.S.C. § 1446(b)(2)(B) (stating that “[e]ach defendant shall have 30 days after receipt by or service on that defendant of the initial pleading or summons . . . to file the notice of removal”).

B. JURISDICTION OF THIS FEDERAL COURT

1. Plaintiffs’ Complaint contains a total of ten claims for relief. (Compl. ¶¶ 37-149)

2. Plaintiffs’ Complaint includes one claim for relief under federal law. Plaintiffs’ First Claim for Relief is a claim pursuant to 42 U.S.C. § 1983 asserting a violation of their rights under the First Amendment. (Compl. ¶¶ 37-61)

3. The Complaint’s other nine other claims are all state law claims. (Compl. ¶¶ 62-148)

4. This Federal Court has original jurisdiction over Plaintiffs’ federal claim asserted in the Complaint’s First Claim for Relief pursuant to 28 U.S.C. §§ 1331, 1343 and 1441(a) and has supplemental jurisdiction over Plaintiffs’ nine state law claims asserted in the Complaint’s Second through Ninth Claims for Relief pursuant to 28 U.S.C. §§ 1367(a) and 1441(c).

C. REMOVAL TO THIS FEDERAL COURT IS PROPER

1. Pursuant to 28 U.S.C. §§ 1441(a) and (c), and 1446(a), removal of the State Case to this Federal Court is appropriate and proper, and venue in this Federal Court is proper.

2. As demonstrated by the State Court’s ROA that is attached hereto as Exhibit 1 and mentioned in paragraph A.1 above, the other named defendants have been served in the State Case. Counsel for each of the other named defendants have confirmed to counsel for

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the City Defendants that each named defendant consents to removal pursuant to 28 U.S.C. § 1446(b)(2)(A).

3. Pursuant to 28 U.S.C. § 1446(d), a true and accurate copy of this Notice of Removal will be promptly served on Plaintiffs and the Clerk of the Court for the State Court.

4. As shown by the State Court's ROA, the documents attached hereto as Exhibits 2-3 are the entirety of all the process, pleadings, orders and other documents that have been filed in the State Case as of the filing of this Notice of Removal.

WHEREFORE, Notice of Removal of Plaintiffs' action in the Multnomah County Circuit Court to this U.S. District Court for the District of Oregon is hereby given.

Dated: December 11, 2024

Respectfully submitted,

/s/ Naomi Sheffield

NAOMI SHEFFIELD, OSB # 170601

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*Attorney for Defendants City of Portland,
Portland Police Bureau, Ted Wheeler, and
Jacob Jensen*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing on:

Karellen Stephens 7135 SW 54 th Ave. Portland, OR 97219 Ph: 503-544-2166 Email: karellen.stephens@comcast.net <i>Plaintiff Pro Se</i>	Renee Stephens 7135 SW 54 th Ave. Portland, OR 97219 Ph: 503-607-3422 Email: renee.stephensl@comcast.net <i>Plaintiff Pro Se</i>
Clifford S. Davidson Snell & Wilmer 601 SW 2 nd Ave., Suite 2000 Portland, OR 97204 Ph: 503-443-6099 Email: csdavidson@swlaw.com <i>Attorney for Defendants Peter-Tolin Baker, JP General LLC, Multnomah Village Business Association, Thinker Toys Oregon, Inc.</i>	Seth Karpinski Oregon Department of Justice 1162 Court St. NE Salem, OR 97301 Ph: 971-701-1092 Email: Seth.T.Karpinski@doj.oregon.gov <i>Attorney for Defendant Multnomah County District Attorney</i>
William A. Davis Davis Rothwell Earle & Xóchihua PC 200 SW Market St., Suite 1800 Portland, OR 97201 Email: wdavis@davisrothwell.com <i>Attorney for Defendants Petrel Farkas and Peachtree Gifts, Inc.</i>	Megan Ferris Leslie Kocker-Moar MacMillan Scholz & Marks LLC 4040 S. Macadam Ave., Suite 100 Portland, OR 97239 Ph: 503-224-2165 Emails: mferris@msmlegal.com ; lstorts@msmlegal.com ; lkohermoar@msmlegal.com <i>Attorney for Defendant Joan Steinbach</i>

on December 11, 2024, by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said attorney, to be sent by the following method(s):

- ☒ by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **email** pursuant to LR 5-9(b).
- ☐ by **facsimile transmission**.
- ☒ by **email**.

/s/ Naomi Sheffield

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